

CITY OF ASHLAND  
NON-CONFORMITY PERMIT  
APPLICATION INSTRUCTIONS

Non-conformity Permits

The Ashland Zoning Ordinance has a number of land uses that can be permitted only after the Board of Zoning Adjustment issues a Non-conformity Permit. These uses are changes or reinstatements of pre-existing uses which were previously legal, but are not permitted by the current Zoning Ordinance. Article III of the Zoning Ordinance details authorization of a Non – conformity Permit.

- A. A Non-conformity permit from the terms of this Ordinance shall not be granted by the Board unless and until a public hearing is held. Each application for a non-conformity permit shall be upon forms provided by the Planning Office.
- B. Upon receipt of the application, the Planning Office shall prepare a notice of public hearing to be duly advertised in a local newspaper, and mailed to all property owners within two hundred (200) feet of the applicant's property.
- C. Either the applicant or a designated agent shall present the proposal and its merits at the public hearing.
- D. A Site Plan is required prior to Board action on a non-conformity permit application, if development is being done. Such plan shall be approved by the Board as to the general design and standards listed in the Zoning Ordinance.
- E. After the public hearing where the applicant and supporting and opposing testimonies are heard, the Board of Zoning Adjustment may grant or deny the Non-conformity Permit requested. The Non-conformity Permit, if granted, shall include approval of such plans as may be required. In granting the permit, the Board of Zoning Adjustment shall find each and all of the following:
  - 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted.
  - 2. That the use meets all the required conditions and standards set forth in Article III of the Zoning Ordinance and any other conditions set by the Board.
  - 3. That the location and character of the use, if developed according to the plan as submitted and approved will be in conformity with the City Comprehensive Plan.
- F. The Board of Zoning Adjustment may approve, modify, or deny any application for a Non-conformity Permit. If it approves such permit, the Board may attach necessary conditions to render the proposed use more compatible with the area in which it is to be

located. Any such conditions shall be recorded in the Board's minutes and on the Non-conformity permit.

- G. The Board of Zoning Adjustment shall have the power to revoke Non-conformity Permits for noncompliance. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator.
- H. The Zoning Administrator shall review all Non-conformity Permits, except those for which all conditions have been permanently satisfied, at least once annually in order to ascertain that the landowner is complying with all of the conditions listed on the permit.